

**PROPOSED AMENDMENT TO H.R. 5005**

**(Recommended to the Select Committee on Homeland  
Security by the Permanent Select Committee on Intelligence)**

Amend title II to read as follows:

1 **TITLE II—INFORMATION ANAL-**  
2 **YSIS AND INFRASTRUCTURE**  
3 **PROTECTION**

4 **Subtitle A—Under Secretary for In-**  
5 **formation Analysis and Infra-**  
6 **structure Protection**

7 **SEC. 201. UNDER SECRETARY FOR INFORMATION ANALYSIS**  
8 **AND INFRASTRUCTURE PROTECTION.**

9 (a) IN GENERAL.—The Under Secretary for Informa-  
10 tion Analysis and Infrastructure Protection (hereinafter in  
11 this title referred to as the “Under Secretary”) shall assist  
12 the Secretary with the responsibilities specified in section  
13 101. The primary responsibility of the Under Secretary  
14 shall be to provide for information analysis and infrastruc-  
15 ture protection to reduce the vulnerability of the United  
16 States to acts of terrorism.

17 (b) DUTIES.—In carrying out subsection (a), the  
18 Under Secretary shall—

19 (1) conduct analysis of information, including  
20 foreign intelligence and open source information,  
21 lawfully collected by Federal, State and local law en-

1        enforcement agencies and by elements of the intel-  
2        ligence community with respect to threats of ter-  
3        rorist acts against the United States;

4            (2) integrate information, intelligence, and in-  
5        telligence analyses to produce and disseminate infra-  
6        structure vulnerability assessments with respect to  
7        such threats;

8            (3) identify priorities for protective and support  
9        measures by the Department, by other executive  
10       agencies, by State and local governments, by the pri-  
11       vate sector, and by other entities;

12           (4) review, analyze, and recommend improve-  
13       ments in law, policy, and procedure for the sharing  
14       of intelligence and other information with respect to  
15       threats against the United States within the Federal  
16       Government and between the Federal Government  
17       and State and local governments;

18           (5) under the direction of the Secretary, develop  
19       a comprehensive national plan to provide for the se-  
20       curity of key resources and critical infrastructures;

21           (6) coordinate with other executive agencies,  
22       State and local government personnel, agencies, and  
23       authorities, and the private sector, to provide advice  
24       on implementation of such comprehensive national  
25       plan;

1           (7) establish and administer a system to advise  
2       Federal, State, and local authorities, the private sec-  
3       tor, other entities, and the public, of the likelihood  
4       of an act of terrorism committed in the United  
5       States (such system to be known as the Homeland  
6       Security Advisory System) under which the Under  
7       Secretary exercises primary responsibility for public  
8       threat advisories, and (in coordination with other ex-  
9       ecutive agencies) provides specific warning informa-  
10      tion to such authorities, the private sector, other en-  
11      tities, and the public, as well as advice about appro-  
12      priate protective actions and countermeasures;

13           (8) support the intelligence and information re-  
14      quirements of the Department;

15           (9) establish requirements for the collection of  
16      information or foreign intelligence by elements of the  
17      intelligence community authorized to undertake such  
18      collection, Federal law enforcement agencies, other  
19      executive agencies, and for the request of informa-  
20      tion from State and local law enforcement agencies  
21      or private sector entities as appropriate; and

22           (10) perform such other functions as the Sec-  
23      retary may direct.

1     **Subtitle B—Intelligence Analysis**  
2                     **Center**

3     **SEC. 211. INTELLIGENCE ANALYSIS CENTER**

4             (a) ESTABLISHMENT; NFIP AGENCY.—(1) There is  
5     established within the Department the Intelligence Anal-  
6     ysis Center. The Under Secretary shall be the head of the  
7     Intelligence Analysis Center.

8             (2) The Intelligence Analysis Center is a program of  
9     the intelligence community for purposes of the National  
10    Foreign Intelligence Program (as defined in section 3(6)  
11    of the National Security Act of 1947 (50 U.S.C.  
12    401a(6))).

13            (b) FUNCTIONS.—The Under Secretary, through the  
14    Intelligence Analysis Center, shall carry out the duties  
15    specified in paragraphs (1), (2), (3), (8), (9), and (10)  
16    of section 201(b).

17            (c) DETAIL OF CERTAIN PERSONNEL.—

18                 (1) IN GENERAL.—The Secretary and the Di-  
19    rector of Central Intelligence, the Secretary of De-  
20    fense, the Attorney General, the Secretary of State,  
21    or the head of another agency or Department as the  
22    case may be, shall enter into cooperative arrange-  
23    ments to provide for an appropriate number of indi-  
24    viduals to be detailed to the Under Secretary to per-  
25    form analytical functions and duties with respect to

1 the mission of the Department from the following  
2 agencies:

3 (A) The Central Intelligence Agency.

4 (B) The Federal Bureau of Investigation.

5 (C) The National Security Agency.

6 (D) The National Imagery and Mapping  
7 Agency.

8 (E) The Department of State.

9 (F) The Defense Intelligence Agency.

10 (G) Any other agency or department that  
11 the President determines appropriate.

12 (2) TERMS OF DETAIL.—Any officer or em-  
13 ployee of the United States or a member of the  
14 Armed Forces who is detailed to the Under Sec-  
15 retary under paragraph (1) shall be detailed on a re-  
16 imburseable basis for a period of less than two years  
17 for the performance of temporary functions as re-  
18 quired by the Under Secretary.

19 (d) INCLUSION OF OFFICE OF INTELLIGENCE AS AN  
20 ELEMENT OF THE INTELLIGENCE COMMUNITY.—Section  
21 3(4) of the National Security Act of 1947 (50 U.S.C.  
22 401a(4)) is amended—

23 (1) by striking “and” at the end of subparagraph (I);

24 (2) by redesignating subparagraph (J) as subpara-  
25 graph (K); and

1       (3) by inserting after subparagraph (I) the following  
2 new subparagraph:

3               “(J) the Intelligence Analysis Center of the  
4       Department of Homeland Security; and”.

5 **SEC. 212. MISSION OF THE INTELLIGENCE ANALYSIS CEN-**  
6 **TER.**

7       (a) IN GENERAL.—The mission of the Intelligence  
8 Analysis Center is as follows:

9               (1) ANALYSIS AND PRODUCTION.—

10              (A) Correlating and evaluating information  
11       and intelligence related to the mission of the  
12       Department collected from all sources available.

13              (B) Producing all-source collaborative in-  
14       telligence analysis, warnings, tactical assess-  
15       ments, and strategic assessments of the ter-  
16       rorist threat and infrastructure vulnerabilities  
17       of the United States.

18              (C) Providing appropriate dissemination of  
19       such assessments.

20              (D) Improving the lines of communication  
21       with respect to homeland security between the  
22       Federal Government and State and local public  
23       safety agencies and the private sector through  
24       the timely dissemination of information per-

1           taining to threats of acts of terrorism against  
2           the United States.

3           (2) REQUESTS FOR THE COLLECTION AND CO-  
4           ORDINATION OF INFORMATION.—

5                   (A) Requesting the collection of informa-  
6           tion or national intelligence by elements of the  
7           intelligence community authorized to undertake  
8           such collection, Federal law enforcement agen-  
9           cies, other executive agencies, or request infor-  
10          mation from State and local law enforcement  
11          agencies or private sector entities as appro-  
12          priate.

13                   (B) Coordinating with elements of the in-  
14          telligence community and with Federal, State,  
15          and local law enforcement agencies, and the pri-  
16          vate sector as appropriate.

17           (3) ADDITIONAL DUTIES.—Performing such  
18          other functions as the Secretary may direct.

19           (b) STRATEGIC AND TACTICAL MISSIONS OF THE IN-  
20          TELLIGENCE ANALYSIS CENTER.—The Under Secretary  
21          shall conduct strategic and tactical assessments and warn-  
22          ings through the Intelligence Analysis Center, including  
23          research, analysis, and the production of assessments on  
24          the following as they relate to the mission of the Depart-  
25          ment:

- 1 (1) Domestic terrorism.
- 2 (2) International terrorism.
- 3 (3) Counterintelligence.
- 4 (4) Transnational crime.
- 5 (5) Proliferation of weapons of mass destruc-
- 6 tion.
- 7 (6) Illicit financing of terrorist activities.
- 8 (7) Cybersecurity and cybercrime.
- 9 (8) Key resources and critical infrastructures.

10 (c) STAFFING OF THE INTELLIGENCE ANALYSIS  
11 CENTER.—

12 (1) FUNCTIONS TRANSFERRED.—In accordance  
13 with title VIII, for purposes of carrying out this  
14 title, there is transferred to the Under Secretary the  
15 functions, personnel, assets, and liabilities of the fol-  
16 lowing entities:

17 (A) The National Infrastructure Protection  
18 Center of the Federal Bureau of Investigation  
19 (other than the Computer Investigations and  
20 Operations Section).

21 (B) The Critical Infrastructure Assurance  
22 Office of the Department of Commerce.

23 (C) The Computer Security Division of the  
24 National Institute of Standards and Tech-  
25 nology.



1 (D) The Federal Computer Incident Re-  
2 sponse Center of the General Services Adminis-  
3 tration.

4 (E) The National Infrastructure Simula-  
5 tion and Analysis Center of the Department of  
6 Energy.

7 (F) The National Communications System  
8 of the Department of Defense.

9 (G) The intelligence element of the Coast  
10 Guard.

11 (H) The intelligence element of the United  
12 States Customs Service.

13 (I) The intelligence element of the Immi-  
14 gration and Naturalization Service.

15 (J) The intelligence element of the Trans-  
16 portation Security Administration.

17 (K) The intelligence element of the Federal  
18 Protective Service.

19 (L) The El Paso Intelligence Center of the  
20 Drug Enforcement Administration.

21 (2) STRUCTURE.—It is the sense of Congress  
22 that the Under Secretary should model the Intel-  
23 ligence Analysis Center on the technical, analytic ap-  
24 proach of the Information Dominance Center of the

1 Department of the Army to the maximum extent  
2 feasible and appropriate.

### 3 **Subtitle C—Additional Provisions**

#### 4 **SEC. 221. ACCESS TO INTELLIGENCE.**

5 (a) IN GENERAL.—To the extent approved by the  
6 President, the Secretary and the Under Secretary shall  
7 have access to all intelligence which is collected by any  
8 department, agency, or other entity of the United States  
9 that is related to threats of acts of terrorism against the  
10 United States and to other areas of responsibility de-  
11 scribed in section 101(b).

12 (b) IMMEDIATE PROVISION OF CERTAIN INTEL-  
13 LIGENCE.—Without regard to whether the Secretary or  
14 the Under Secretary has made any request or entered into  
15 any cooperative arrangement to receive material on a reg-  
16 ular or routine basis, all executive agencies promptly shall  
17 provide to the Secretary and the Under Secretary—

18 (1) all reports, assessments, and analytical  
19 information relating to threats of terrorism in  
20 the United States and to other areas of respon-  
21 sibility described in section 101(b);

22 (2) all information concerning infrastruc-  
23 ture or other vulnerabilities of the United  
24 States to terrorism, whether or not such infor-  
25 mation has been analyzed;

1                   (3) all information relating to significant  
2                   and credible threats of terrorism in the United  
3                   States, whether or not such information has  
4                   been analyzed, if the President has provided  
5                   that the Secretary or the Under Secretary shall  
6                   have access to such information; and

7                   (4) such other material as the President  
8                   may further provide.

9           (c) PROTECTION FROM UNAUTHORIZED DISCLO-  
10 SURE.—The Secretary shall ensure that any material re-  
11 ceived pursuant to this section is protected from unauthor-  
12 ized disclosure and handled and used only for the perform-  
13 ance of official duties, and that any intelligence informa-  
14 tion shared under this section shall be transmitted, re-  
15 tained, and disseminated consistent with the authority of  
16 the Director of Central Intelligence to protect intelligence  
17 sources and methods under the National Security Act and  
18 related procedures or, as appropriate, similar authorities  
19 of the Attorney General concerning sensitive law enforce-  
20 ment information.

21 **SEC. 222. PROTECTION OF INFORMATION.**

22           (a) INFORMATION VOLUNTARILY PROVIDED.—Infor-  
23 mation provided voluntarily by non-Federal entities or in-  
24 dividuals that relates directly to the duties of the Under  
25 Secretary for Information Analysis and Infrastructure

1 Protection to reduce the vulnerability of the United States  
2 to acts of terrorism and is or has been in the possession  
3 of the Department shall not be subject to section 552 of  
4 title 5, United States Code.

5 (b) INFORMATION PROVIDED TO STATE AND LOCAL  
6 GOVERNMENTS.—Information obtained by a State or local  
7 government from a Federal agency under this section shall  
8 remain under the control of the Federal agency, and a  
9 State or local law authorizing or requiring such a govern-  
10 ment to disclose information shall not apply to such infor-  
11 mation.

12 **SEC. 223. CONFORMING AMENDMENTS.**

13 (a) INCLUSION OF UNDER SECRETARY ON THE COM-  
14 MITTEE ON TRANSNATIONAL THREATS OF THE NATIONAL  
15 SECURITY COUNCIL.—Section 101(i)(2) of the National  
16 Security Act of 1947 (50 U.S.C. 402(i)(2)) is amended—

17 (1) by redesignating subparagraph (F) as sub-  
18 paragraph (G); and

19 (2) by inserting after subparagraph (E) the fol-  
20 lowing new subparagraph:

21 “(F) The Under Secretary for Information  
22 Analysis and Infrastructure Protection of the De-  
23 partment of Homeland Security.

1       (b) TITLE 5, UNITED STATES CODE.—Section 5313  
2 of title 5, United States Code, is amended by adding at  
3 the end the following:

4               “The Under Secretary for Information Analysis  
5 and Infrastructure Protection of the Department of  
6 Homeland Security.”.